

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-first Legislature Second Regular Session - 2012

IN THE SENATE

SENATE BILL NO. 1289

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-1106, IDAHO CODE, TO  
REVISE PROVISIONS RELATING TO APPEAL PROCEDURES; AND AMENDING SECTION  
43-1118, IDAHO CODE, TO REVISE PROVISIONS RELATING TO APPEAL PROCE-  
DURES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 43-1106, Idaho Code, be, and the same is hereby  
amended to read as follows:

43-1106. APPEAL. An appeal shall lie from the decision of the board  
of directors of such irrigation district denying the petition or any part  
thereof to the district court of the county where the lands described in the  
petition are located. The appeal ~~to shall~~ be taken in ~~the same manner and~~  
~~within the same period of time as appeals are taken from decisions or orders~~  
~~of the board of county commissioners~~ accordance with and shall be subject to  
the appeal provisions of section 43-719(4) and (5), Idaho Code. If an appeal  
results in an order of the district court excluding the lands described in  
the petition, or any of them, the time of segregation shall date from the date  
of the hearing before the board of directors of the district.

SECTION 2. That Section 43-1118, Idaho Code, be, and the same is hereby  
amended to read as follows:

43-1118. APPEALS -- PROCEDURE. An appeal shall lie from the resolution  
or the order of the board of directors excluding, and from the order of the  
board of directors not excluding, lands covered by proceedings under sec-  
tions 43-1110 through 43-1117, Idaho Code, or from any part of any such or-  
der. The appeal may be taken by any landowner in the district and by any per-  
son, firm or corporation having any interest in any tract of land included in  
any such order. The appeal shall be to the district court of the county where  
the lands involved in the appeal are located. The appeal shall be taken in  
~~the same manner and within the same period of time as appeals from the board~~  
~~of county commissioners~~ accordance with and shall be subject to the appeal  
provisions of section 43-719(4) and (5), Idaho Code.